IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRA/218/2006

SMT. SHAHNAZ BEGUM T. PATEL .. ... Applicant

V/S
ABDUL RAHIM BABALAL ATTA & ors. ... Respondents

SHRI RAJENDRA K. YADAV for applicant.
SHRI P.S.SHAH FOR respondent nos. 1, 4A to 4F , 5A to 5D, 9, 10 & 13.

CORAM: D. G. KARNIK **J.**

DATE: 4th December, 2006

P.C.:

1. This revision application filed by the applicant who is the original plaintiff is directed against the order dated 5th October 2006.
2. In the suit the trial court framed an issue whether the suit was properly valued and whether proper court fees was paid. The trial court considered the preliminary issue and held that the suit was not properly valued and proper court fee was not paid and directed the applicant to correct the valuation within 2 weeks. That order is impugned in this revision.
3. Under the provisions of section 115 of the Civil Procedure Code no revision lies if the order passed would have been otherwise the suit would not have been finally disposed of . If the impugned order was to be otherwise the trial court would have held held that the suit was properly valued and

the proper court fee paid and the suit would have proceed. In the circumstances by virtue of amendment to section 115. The present civil revision application is not maintainable. The revision application is therefore dismissed with costs.

**(D.G. KARNIK J.)**